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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/805,907

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Michael I. Rosenfelt

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04/17/2008

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EXAMINER

LEE, JUSTIN YE

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

04/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/805,907	Applicant(s) ROSENFELT ET AL.	
	Examiner Justin Y. Lee	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-23, 25-34, 36, 38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 17-19, 21-23, 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-19, 21-23, 25-34, 36, 38 and 39 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-10, 17-19, 21-23, and 25-34, drawn to redirection of email message, classified in class 455, subclass 412.2.
 - II. Claim 11, drawn to intercept email message prior to firewall, classified in class 455, subclass 412.1.
 - III. Claims 12-13 and 36, drawn to intercept email message after firewall but before primary email system, classified in class 455, subclass 412.1.
 - IV. Claims 14 and 38, drawn to intercept before internet, classified in class 455, subclass 412.1.
 - V. Claim 16, drawn to intercept within an email application designed to inspect email message traffic, classified in class 455, subclass 412.1.
 - VI. Claim 15 and 39, drawn to intercept real time basis, classified in class 455, subclass 412.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions of claims 1-19, 21-23, 25-34, 36, and 38-39 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination Groups I, II, III, IV, V, and VI has separate utility such as

redirecting email messages and notifying the user of wireless device about the redirection of email messages and intercepting email messages prior to firewall, after firewall but before primary email system, before internet, and within an email application designed to inspect email message traffic. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;

- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with William Wiese on 4/7/08 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-10, 17-19, 21-23, and 25-34. Affirmation of this election must be made by applicant in replying to this Office action. Claims 11-16, 36, 38, and 39 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 and 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickup et al. (US 2003/0050984 A1) in view of Easterbrook et al. (US 6,886,030 B1) and further in view of Wallach et al. (US 6,292,905).

Consider claims 1 and 25. Pickup et al. disclose a method and system for providing backup electronic messaging services to wireless devices during outages (Fig. 1), comprising:

sending email messages from a primary email system to a user's wireless device (paragraph 55 and 56, the email message is send from mail server 1 to wireless device through SMS server and cell network 10);

when said primary email system is unavailable, redirecting said email messages from said primary email system to a secondary email system and from said secondary email system to said user's wireless device (paragraph 57, when the mail server 1 fails the email is redirected to back up mail server 6 for storage and processing);

at such time as said primary email service becomes available, redirecting said email messages from said secondary email system to said primary email system and from said primary email system to said user's wireless device (paragraph 57, the email messages are redirected back to the mail server 1 when mail server 1 is becoming available).

Pickup et al. do not disclose notifying said user that said email messages are available on said user's wireless device through said secondary email system at such time as said redirection of said email messages has been implemented; notifying said user that said email messages are available on said user's wireless device through said primary email system at such time as said redirection of said email messages has been implemented.

Easterbrook et al. further disclose notifying said user that said email messages are available on said user's wireless device through said secondary email system at such time as said redirection of said email messages has been implemented (abstract, e-mail service system notifies the user about an e-mail is available and send the e-mail to the user);

notifying said user that said email messages are available on said user's wireless device through said primary email system at such time as said redirection of said email messages has been implemented (abstract, e-mail service system notifies the user about an e-mail is available and send the e-mail to the user. When Pickup and Easterbrook combined, the combination teach each of the primary mail system and backup mail system of Pickup would send out notification and email to user as taught in Easterbrook).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to utilize the teachings of Easterbrook et al. into the teachings of Pickup et al. for the purposes of reducing cost on checking e-mail message (col. 1, lines 27-38).

Pickup et al. and Easterbrook et al. do not disclose synchronizing said email messages received on said secondary email system while said primary email system was unavailable with the messages in said primary email system.

Wallach et al. further disclose synchronizing said email messages received on said secondary email system while said primary email system was unavailable with the messages in said primary email system (col. 8, lines 1-7 and col. 9, lines 13-20, after

the primary system come back to work, the database in the primary system need to synchronize with the backup system).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to utilize the teachings of Wallach et al. into the teachings of Pickup et al. and Easterbrook et al. for the purposes of reducing cost (col. 2, lines 42-46).

Consider claims 2 and 26. Pickup et al. also disclose wherein said primary email system is located remotely from said secondary email system and is interconnected to said secondary email system through the Internet (Fig. 1 and paragraph 54 and 57).

Consider claims 3 and 27. Pickup et al. also disclose wherein the determination of when said primary email system is unavailable is performed manually by assessing whether an error message has been received indicating an inability to deliver an email message to said primary email system (paragraph 57).

Consider claims 4 and 28. Pickup et al. also disclose wherein said email messages to all addresses on said primary email system are automatically redirected to said secondary email system at any time any of said email addresses on said primary email system are unavailable (paragraph 57).

Consider claims 5 and 29. Pickup et al. also disclose wherein said email messages to all email addresses on said primary email system are redirected to said secondary email system after some, but less than all, of said email messages are unavailable (paragraph 57).

Consider claims 6 and 30. Pickup et al. also disclose wherein said step of notifying said user that said email messages are available on said secondary email system further includes the automated delivery of a preexisting notification email message to an alternate email address for said users (paragraph 57).

Consider claims 7 and 31. Pickup et al. also disclose wherein assessing the time at which said primary email system is available includes periodically pinging email addresses on said primary email system and evaluating whether a response is received from said email addresses (paragraph 57).

Consider claims 8 and 32. Pickup et al. also disclose wherein said notification of said user that said email messages are again available on said primary email system consists of the automated delivery of a preexisting notification email message to an alternate email address for said user (paragraph 57).

Consider claims 9 and 33. Pickup et al. also disclose wherein the ability to redirect said email messages from said primary email system to said secondary email system is password protected (paragraph 55).

Consider claims 10 and 34. Pickup et al. also disclose wherein one or more of said wireless devices is selected from the group consisting of personal digital assistant devices, cell phones and pagers (paragraph 56).

4. Claims 1-10 and 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickup et al. (US 2003/0050984 A1) in view of Easterbrook et al. (US 6,886,030 B1) and further in view of Mosher, Jr. (US 5,884,328).

Consider claims 1 and 25. Pickup et al. disclose a method and system for providing backup electronic messaging services to wireless devices during outages (Fig. 1), comprising:

sending email messages from a primary email system to a user's wireless device (paragraph 55 and 56, the email message is send from mail server 1 to wireless device through SMS server and cell network 10);

when said primary email system is unavailable, redirecting said email messages from said primary email system to a secondary email system and from said secondary email system to said user's wireless device (paragraph 57, when the mail server 1 fails the email is redirected to back up mail server 6 for storage and processing);

at such time as said primary email service becomes available, redirecting said email messages from said secondary email system to said primary email system and from said primary email system to said user's wireless device (paragraph 57, the email messages are redirected back to the mail server 1 when mail server 1 is becoming available).

Pickup et al. do not disclose notifying said user that said email messages are available on said user's wireless device through said secondary email system at such time as said redirection of said email messages has been implemented; notifying said user that said email messages are available on said user's wireless device through said primary email system at such time as said redirection of said email messages has been implemented.

Easterbrook et al. further disclose notifying said user that said email messages are available on said user's wireless device through said secondary email system at such time as said redirection of said email messages has been implemented (abstract, e-mail service system notifies the user about an e-mail is available and send the e-mail to the user);

notifying said user that said email messages are available on said user's wireless device through said primary email system at such time as said redirection of said email messages has been implemented (abstract, e-mail service system notifies the user about an e-mail is available and send the e-mail to the user. When Pickup and Easterbrook combined, the combination teach each of the primary mail system and backup mail system of Pickup would send out notification and email to user as taught in Easterbrook).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to utilize the teachings of Easterbrook et al. into the teachings of Pickup et al. for the purposes of reducing cost on checking e-mail message (col. 1, lines 27-38).

Pickup et al. and Easterbrook et al. do not disclose synchronizing said email messages received on said secondary email system while said primary email system was unavailable with the messages in said primary email system.

Mosher, Jr. further disclose synchronizing said email messages received on said secondary email system while said primary email system was unavailable with the messages in said primary email system (col. 1, lines 56-col. 2, lines 5, primary system

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need to synchronizing with the backup system after the primary system resume to operation after a failure so the primary system has new data processed when the primary system was in outage).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to utilize the teachings of Mosher, Jr into the teachings of Pickup et al. and Easterbrook et al. for the purposes of improved efficiency and speed and efficient synchronization (col. 2, lines 51-60).

Consider claims 2-10 and 26-34 please see the rejection in section 7 for detailed rejection.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pickup et al. (US 2003/0050984 A1) in view of Wallach et al. (US 6,292,905) further in view of Katsikas (US 2003/0191969 A1).

Consider claim 17. Pickup et al. disclose redirecting, responsive to detection of an outage of a primary email system, email messages intended to be delivered to said primary email system to a backup mail server and wherein said redirected email message have a low priority designation (paragraph 57, all the email messages are redirected to the backup mail server 6 regardless of priority, which includes lower priority designation).

Pickup et al do not disclose responsive to detection of an outage of a primary email system.

Wallach et al. further disclose the backup system takes over the primary system when detection of an outage of a primary system occurs (col. 2, lines 20-22).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to utilize the teachings of Wallach et al. into the teachings of Pickup et al. for the purposes of reducing cost (col. 2, lines 42-46).

Pickup et al. and Wallach et al. do not disclose a mail server can be a SMTP host.

Katsikas further disclose a mail server can be a SMTP host (paragraph 41).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to utilize the teachings of Katsikas into the teachings of Pickup et al. and Wallach et al. for the purposes of an undefeatable spam control system (paragraph 5).

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pickup et al. (US 2003/0050984 A1) in view of Wallach et al. (US 6,292,905) further in view of Easterbrook et al. (US 6,886,030 B1).

Consider claim 18. Pickup et al. disclose changing a domain name system designation of a primary email system responsive to an outage of the primary email system (paragraph 57, the domain name need to be changed in order to redirect an email message to a different server);

Directing inbound email messages to an alternate facility (paragraph 57); and

Delivering said email messages from said alternate facility to said wireless devices (paragraph 57).

Delivering said email messages from said alternate facility to said wireless devices; and

Pickup et al do not disclose responsive to detection of an outage of a primary email system.

Wallach et al. further disclose the backup system takes over the primary system when detection of an outage of a primary system occurs (col. 2, lines 20-22).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to utilize the teachings of Wallach et al. into the teachings of Pickup et al. for the purposes of reducing cost (col. 2, lines 42-46).

Pickup et al. and Wallach et al. do not disclose notifying the intended recipient of said email messages that said messages are available on said recipient's wireless device through said alternate facility at such time as said redirection of said email messages has been implemented.

Easterbrook et al. further disclose notifying the intended recipient of said email messages that said messages are available on said recipient's wireless device through said alternate facility at such time as said redirection of said email messages has been implemented (abstract, e-mail service system notifies the user about an e-mail is available and send the e-mail to the user. When Pickup and Easterbrook combined, the combination teach each of the primary mail system and backup mail system of Pickup would send out notification and email to user as taught in Easterbrook).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to utilize the teachings of Easterbrook et al. into the teachings of Pickup et al. and Wallach et al. for the purposes of reducing cost on checking e-mail message (col. 1, lines 27-38).

7. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickup et al. (US 2003/0050984 A1) in view of Wallach et al. (US 6,292,905) further in view of Easterbrook et al. (US 6,886,030 B1).

Consider claim 19. Pickup et al. disclose maintaining a mapping of alternate email addresses of the wireless devices (paragraph 57);

Delivering, via said alternate email address, the email messages to said wireless device responsive to an outage of a primary email system (paragraph 57);

Wherein said step of delivering is performed during said outage of a primary path for delivering said email messages (paragraph 57).

Pickup et al do not disclose responsive to detection of an outage of a primary email system.

Wallach et al. further disclose the backup system takes over the primary system when detection of an outage of a primary system occurs (col. 2, lines 20-22).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to utilize the teachings of Wallach et al. into the teachings of Pickup et al. for the purposes of reducing cost (col. 2, lines 42-46).

Pickup et al. and Wallach et al. do not disclose notifying the intended recipient of said email messages that said messages are available on said recipient's wireless

device through said alternate facility at such time as said redirection of said email messages has been implemented.

Easterbrook et al. further disclose notifying the intended recipient of said email messages that said messages are available on said recipient's wireless device through said alternate facility at such time as said redirection of said email messages has been implemented (abstract, e-mail service system notifies the user about an e-mail is available and send the e-mail to the user. When Pickup and Easterbrook combined, the combination teach each of the primary mail system and backup mail system of Pickup would send out notification and email to user as taught in Easterbrook).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to utilize the teachings of Easterbrook et al. into the teachings of Pickup et al. and Wallach et al. for the purposes of reducing cost on checking e-mail message (col. 1, lines 27-38).

Consider claim 21. Pickup et al. also disclose pulling messages from a mailbox within a secondary email system to the wireless device (paragraph 57).

8. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickup et al. (US 2003/0050984 A1) in view of Wallach et al. (US 6,292,905) and Easterbrook et al. (US 6,886,030 B1) as applied to claim 21 and further in view of Katsikas (US 2003/0191969 A1).

Consider claims 22 and 23. Pickup et al. and Wallach et al. and Easterbrook et al. do not disclose wherein said mailbox is a pop3 mailbox or an imap4 mailbox.

Katsikas further disclose wherein said mailbox is a pop3 mailbox or an imap4 mailbox (paragraph 41).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to utilize the teachings of Katsikas into the teachings of Pickup et al. and Wallach et al. and Easterbrook et al. for the purposes of an undefeatable spam control system (paragraph 5).

Response to Arguments

9. Applicant's arguments filed on 1/28/08 have been fully considered but they are not persuasive.

Regarding the Easterbrook reference, applicant states that, Easterbrook does not teach notifying said user that said email messages are available on said user's wireless device through said secondary email system at such time as said redirection of said email messages has been implemented.	<p>In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See <i>In re Keller</i>, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); <i>In re Merck & Co.</i>, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).</p> <p>Pickup teaches a primary mail server notifies the recipient about an</p>
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	<p>incoming email (paragraph 15, 16, and 56). Pickup also teaches when a primary mail server is not working a secondary mail server will take over the job of the primary mail server (paragraph 57).</p> <p>The examiner uses Easterbrook reference to teach it is known in the art that a mail server would notifies a recipient about an incoming email (abstract).</p> <p>So when Easterbrook reference is combined with Pickup reference, the primary mail server will notify the recipient about an incoming email and when the primary mail server is unavailable, the secondary mail server will take over and the secondary mail server will also notify the recipient about an incoming email.</p>
Regarding the Easterbrook reference, applicant states that, Easterbrook reference does not teach notifying said user that said email messages are available on said user's wireless device	<p>In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based</p>

through said primary email system **at such time as said redirection of said email messages has been implemented.**

on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As previously discussed, the backup mail server of Pickup would take over the job of the primary mail server (paragraph 57). So the email supposed to be directed to the primary mail server, now (during outage of the primary mail server) would be directed to the backup mail server. Once the backup mail server received the redirected mail and when combined with Easterbrook reference the backup mail server would notify the recipient about the incoming email (Easterbrook, abstract).

When the primary mail server is functioning correctly, the primary mail server will also notify the recipient about the incoming email.

Regarding the limitation "synchronizing individual records in the database" argued by the applicant.	<p>The limitation "synchronizing individual records in the database and synchronizing of individual email message" argued on page 16 of Remarks filed on 1/28/08 is not disclosed in the claim.</p> <p>Wallach teaches a server backup system. When a primary server fails a backup server takes over the operation of the primary server and when the primary server is back for servicing. The primary server and the backup server synchronizing with each other to update the database in the primary server because it is out dated (col. 8, lines 1-7 and col. 9, lines 13-20).</p>
Regarding the limitation " intercepting , responsive....".	The limitation " intercepting , ..." is not claimed in claim 17.
Regarding to Pickup reference, the applicant states, Pickup does not teach the redirected email messages have a low-priority designation.	In contrast to applicant's assertions, Pickup teaches the mail backup system can be used in wireless communication (paragraph15-16) and any data or mail is

	known to have low priority comparing to voice communication which is real time based.
Regarding to Pickup reference, the applicant states, Pickup does not teach changing a domain name system designation of a primary email system responsive to detection of an outage of the primary email system.	<p>In contrast to applicant's assertions, Pickup teaches the mail will be redirected to a backup system while the primary mail system is not available (paragraph 57).</p> <p>When the options are limited (redirecting mail to an identical mail system or redirecting mail to an alternative mail system which having different domain name, i.e. DNS forwarding) and the result is predictable (either way, redirecting mail to identical mail system or alternative mail system, the mail will be redirected) the benefit of using the DNS forwarding is to reduce cost by using an existing mail system which is currently in operation. The benefit of using an identical back mail system is to prevent overloading the existing mail system when the mail needed to be redirected is more than the capacity</p>

	of the alternative mail system.
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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Y. Lee whose telephone number is (571) 272-5258. The examiner can normally be reached on M - Thu 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Justin Lee
AU 2617
4/9/08

/Duc Nguyen/

Supervisory Patent Examiner, Art Unit 2617

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